



School District of Philadelphia
Office of Environmental Management & Services
440 North Broad Street
Philadelphia, PA 19130
(215) 400-4750

Transmitted via Electronic Mail

Ms. Kyla L. Townsend-McIntyre
U.S. Environmental Protection Agency, Region III
Pesticides/Asbestos Programs and Enforcement Branch (3WC32)
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Self Disclosure Agreement - AHERA
Nebinger Elementary School ULCS #2590

Dear Ms. Townsend-McIntyre

As part of the School District of Philadelphia agreement, effective March 9, 2007 and amended January 18, 2008 with the United States Environmental Protection Agency (EPA), this letter is intended to transmit and certify the Corrective Action Plan (CAP) for the Nebinger Elementary School.

This Corrective Action Report was written in accordance with the above noted agreement and the "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Federal Register 19618 (4/11/00) (the Policy).

As the Responsible Official, I hereby certify that the attached report entitled *CAP – Nebinger Elementary School ULCS #2590* submitted to EPA is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

If you have any questions or comments please feel free to contact me or Ms. Elizabeth Gutman, Esq.

Sincerely,

Francine Locke, MS
Director, Environmental Management & Services

Attachment 1 – *CAP – Nebinger Elementary School ULCS #2590*

SELF AUDIT DISCLOSURE REPORT CORRECTIVE ACTION PLAN
Updated as of: April 21, 2008

Facility Name: Nebinger Elementary School #2590
Facility Address: 601 Carpenter Street, Philadelphia, PA 19147
Date of Audit: 04/21/08
Date CAP due to EPA: 6/20/08

Finding Number	Regulatory Citation	Finding	Corrective Action	Corrective Action Status(include date when closed)	Preventative Measure	Preventative Measures Status (include date when closed)	Extension Filed (Y/N)	Exhibit Reference	Approximate Cost to Close Finding	Potential Reduction of Pollutants *INCLUDE AMT OF OIL
ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA) PROGRAM 40 CFR § 763 Subpart E										
1	(40 CFR § 763.85(b))	The school is required to complete 3 Year Reinspections. Minor data gaps were identified following the 1997 and 2003 3 Year Reinspections, ranging from 1 -4 months.	The school must complete the Reinspections every 3 years. This is a historical finding as the school can not complete missing data gaps.	Historical finding. Corrective Action can not be completed.	Implement the schedule and track the 3 Year Reinspection in a compliance calendar.	In Progress - A draft compliance calendar was created by URS for tracking the 3 Year Reinspection and is currently being reviewed by the School District.	N	1	N/A	Recordkeeping violation
2	(40 CFR § 763.85(b)(1)(vii))	The regulations require that the 3 Year Reinspections records be updated within 30 days of the inspection. The most recent Reinspection Report is dated December 2006 and was available for review at the central file and the school building, however it was recently printed/distributed and was not completed within the required 30 day time frame from the inspection date in December 2006.	The 3 Year Reinspection records must be updated within 30 days of the actual inspection. This is a historical finding.	Historical finding. Corrective Action can not be completed.	Implement and track the Reinspection date in a compliance calendar so that the 30 day update can be tracked by both the school and personnel in the central office for the next 3 Year Reinspection in 2009.	In Progress - A draft compliance calendar was created by URS for the 30 day tracking of the 3 Year Reinspections and is currently being reviewed by the School District. Same as preventative measure #1.	N	2	N/A	Recordkeeping violation
3	(40 CFR § 763.94)(d)	The school is required to complete 6 Month Periodic Surveillance Inspections. Varied data gaps exist between 6 Month Periodic Surveillance Inspections 1989-2006, ranging from 1-17 months.	The school must complete Periodic Surveillance Inspections every 6 months. This is a historical finding as the school can not complete past missed inspections.	Historical finding. Corrective Action can not be completed.	Implement the schedule and track the 6 Month Periodic Surveillance Inspection in a compliance calendar.	In Progress - A draft compliance calendar was created by URS for tracking 6 Month Inspections and is currently being reviewed by the School District. Same as preventative measure #1.	N	3	N/A	Recordkeeping violation
4	(40 CFR § 763.94)	The regulations require the school to maintain all Operations and Maintenance (O&M) records, only partial records were found at the school.	Prepare copies of the missing O&M records and distribute to the administration office for inclusion in the management plan. The following reports were not found at the school. USA 04-01001-256 10/6/04 USA 03-01001-481 12/30/03 USA 04-010001-254 9/14/04	Closed 5/22/08 -- Copies of the missing response actions were prepared by the School District and distributed to the School for their records.	A letter should be sent to all school administrators reminding them of the AHERA record keeping procedures and the importance of maintaining all asbestos documentation.	Closed 5/22/08 -The O&M Reports were delivered to the school principal with an attached letter titled "AHERA Compliance Update Report". This letter directs the Principals to maintain these documents with the management plans records.	N	4	\$600	Recordkeeping violation
5	(40 CFR § 763.93 (g)(3))	The school is required to maintain copies of previous reinspection reports. The 1992 reinspection reports was not found at the school.	Prepare a copy from the central file and send to the school .	Closed 5/22/08 Copies of the missing Reinspection Report was prepared by the School District and distributed to the School for their records.	Include notification letter instructing the principal to maintain with the other files.	Closed 5/22/08 -The Reinspection Report was submitted with a letter titled "Mandated Federal EPA AHERA Documents" from the Office of Capital Programs regarding the importance of maintaining these reports with the management plan records.	N	5	\$400	Recordkeeping violation



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May 16, 2008

Mr. Anthony Majewski
Nebinger Elementary School
601 Carpenter Street
Philadelphia, PA 19147

Re: Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit
Documentation Related to Corrective Action Plan

Dear Mr. Majewski:

Following the AHERA Environmental Compliance Audit conducted at the Nebinger School on April 21, 2008 the attached documents have been prepared for inclusion into the AHERA environmental management plan at your school and at the Environmental Library located at 440 N. Broad Street.

The following documents were prepared for the Nebinger School and must be kept with the AHERA environmental management plan records:

Exhibit 4 – The Response Action Reports not found at the school during the audit

Exhibit 5 – The 1992 Reinspection Report not found at the school during the audit

School Principal:

Print Name: Anthony Majewski

Sign Name: [Signature]

Date: 5/22/08

Witnessed by:

Title: URS

Print Name: Brian Joseph

Sign Name: [Signature]

Date: 5/22/08

If you have any questions or comments, please feel free to contact Francine Locke at 215-400-4750 or Jerry Junod at 215 400-6738.

Sincerely,

[Signature]

Francine Locke, MS
Director, Environmental Management & Services

**School District of Philadelphia
Asbestos Hazard Emergency Response Act (AHERA)
Compliance Audit**

Principal Interview Form

The School District of Philadelphia (School District) and the U.S. Environmental Protection Agency, Region III (EPA) entered into a Self-Audit/Self Disclosure Agreement. The purpose of the agreement is to gauge the School District's compliance with the Asbestos Hazard Emergency Response Act (AHERA) requirements for your school/ facility.

The School District obtained the services of URS Corporation (URS) to conduct the AHERA environmental compliance audit. The audit will focus on the compliance of general information, inspections and reinspections, response actions, operations and maintenance, periodic surveillance, and notifications. This document acknowledges that all environmental documents relevant to the building asbestos management plan have been made available to URS at the time of the audit.

School/ Facility:	Nebinger 2590
Address:	601 Carpenter Street
Date of Audit:	4/21/08

School Principal:

Print Name: Anthony Majewski, principal

Sign Name: Anthony Majewski

Date: 4/21/08